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order to change "conversion device" to --converter--. Accordingly, Applicant submits that no new matter is added by the above amendments.

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

The Office Action asserts that the phrase "the material more expensive [sic, expensive] than a material" recited in claim 9 "appears to be vague and indefinite since the cost of a material is not a permanent property of the material and can change." Applicant respectfully traverses this assertion. One having ordinary skill in the art would readily understand the meaning of claim 9, particularly after having read the specification. It is the costs of the respective materials that enables one to determine whether one material is more expensive than the other, not the particular cost of one of the materials. Thus, the fact that the cost of one or both of the materials may change over time does not render claim 9 indefinite. One needs to merely determine the relative costs of the two materials at the time of the alleged infringement in order to determine whether claim 9 covers the allegedly infringing structure.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is requested.

Claims 5 and 11 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,069,651 to Tsuyuki et al. This rejection is respectfully traversed.

Tsuyuki et al. does not disclose or suggest an arrangement in which a holding member contacts a stage of an optical filter, wherein that stage is formed on a portion of a surface of the optical filter that extends in a direction perpendicular to an optical axis of the light flux that passes through the optical filter as recited in independent claim 5. Withdrawal of this rejection is requested.

Claim 6 stands rejected under 35 U.S.C. §103(a) over Tsuyuki et al., as applied against claim 5, and further in view of U.S. Patent No. 4,302,078 to Stravitz. Stravitz does

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not provide the deficiencies noted above with respect to Tsuyuki et al. Accordingly, claim 6 is patentable for at least the reasons set forth above with respect to independent claim 5.

Withdrawal of this rejection is requested.

Claims 2, 3 and 7-10 stand rejected under 35 U.S.C. §103(a) over Tsuyuki et al. in view of U.S. Patent No. 6,011,661 to Weng. This rejection is respectfully traversed.

Neither of these references discloses or suggests providing an optical filter having first and second filter layers with different sizes, such that a stage is formed on a portion of one of the surfaces of the first and second filter layers that extend in a direction perpendicular to the optical axis of the light flux as recited in independent claim 2.

The Office Action recognizes that Tsuyuki et al. does not disclose or suggest varying the sizes of filters 59 and 61. Rather, filters 59 and 61 have the same size. The Office Action attempts to rely upon Weng to provide a motivation for modifying the size of one of the Tsuyuki et al. filters. However, Weng does not disclose or suggest providing a filter made from first and second layers having different sizes.

Weng merely discloses a filter 2 having a single layer and a single size. There are no first and second layers with different sizes in the filter 2 of Weng. While Weng discloses that the size of the filter is smaller than the surface of a window 14, there is no suggestion in Weng to provide a filter having first and second layers with different sizes such that a stage is formed on a portion of the surface of one of the layers that extends in a direction perpendicular to the optical axis of the filter. The Office Action uses impermissible hindsight when it extrapolates the teachings of Weng to somehow motivate one to provide a filter having two layers with different sizes. It is only after having read Applicant's disclosure that one would be provided with any teaching of the claim 2 filter.

Accordingly, the rejection of independent claim 2 and its dependent claims should be withdrawn.

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In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

DRAFT FOR INTERVIEW

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Attachment:
Appendix

Date:

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

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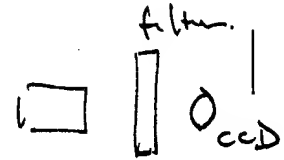
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APPENDIX

Changes to Claims:

Claims 2, 5-7, 9 and 10 are amended.

The following are marked-up versions of the amended claims:



2. (Twice Amended) An optical filter that is provided at an optical path between a photoelectric ~~conversion device~~converter, which converts a subject image formed at a light-receiving surface thereof to an electrical signal, and an optical system which forms the subject image with a light flux from the subject at said photoelectric ~~conversion device~~converter, to filter the light flux, comprising:

a plurality of filter layers that are laminated along a direction of an optical axis of the light flux that passes through the optical filter, the plurality of filter layers including at least a first filter layer and a second filter layer which are laminated with each other; and

a stage formed at least at a portion of an external circumference of the optical filter by varying a size of a surface of said first filter layer along a direction perpendicular to the optical axis from a size of a surface of said second filter layer along athc direction perpendicular to the optical axis, wherein the portion of the external circumference of the optical filter which forms the stage includes a portion of one of the surfaces of the first and second filter layers that extends in the direction perpendicular to the optical axis.



5. (Twice Amended) An optical device comprising:

112 a photoelectric ~~conversion device~~converter that converts a subject image formed at a light-receiving surface thereof to an electric signal;

an optical system that forms the subject image with a light flux from a subject at the light-receiving surface of said photoelectric ~~conversion device~~converter;

an optical filter that is provided on an optical path between said photoelectric ~~conversion device~~converter and said optical system to filter the light flux; and

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a holding member that holds said optical filter, wherein:

said optical filter comprises a stage formed at least at a portion of an external circumference of the optical filter, and said holding member contacts said stage is utilized to hold said optical filter with said holding member, wherein the portion of the external circumference of the optical filter which forms the stage includes a portion of a surface of the optical filter that extends in a direction perpendicular to an optical axis of the light flux that passes through the optical filter.

112
what is
stage
of forming
a surface.

6. (Amended) An optical device according to claim 5, wherein:

said holding member has a spring property and holds said optical filter by pressing said optical filter either toward said photoelectric ~~conversion device~~ converter or toward said optical system.

7. (Amended) An optical filter according to claim 2, wherein:

said first filter layer is located at a side closer to the subject than said second filter layer; and

a size of athe surface of said first filter layer is smaller than a size of athe surface of said second filter layer.

9. (Amended) An optical filter according to claim 2, wherein:

said first filter layer is composed of a material more expensive than a material of said second filter layer; and

a size of athe surface of said first filter layer is smaller than a size of athe surface of said second filter layer.

10. (Amended) An optical filter according to claim 2, wherein:

said second filter layer is composed of a material stronger than a strength of a material of said first filter layer; and

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a size of athc surface of said first filter layer is smaller than a size of athe
surface of said second filter layer.